

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-614-MOC
(3:95-cr-119-MOC-1)**

GERALD DAMONE HOPPER,)
)
 Petitioner,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)


ORDER

THIS MATTER is before the Court on Petitioner's Amended Motion to Vacate under 28 U.S.C. § 2255, (Doc. 16), and the parties' supplemental briefing, (Doc. Nos. 21, 22).

The parties assert that Petitioner's two convictions for violating 28 U.S.C. § 924(c) should be vacated because those charges are based on conspiracy to commit Hobbs Act robbery, which is not a crime of violence under § 924(c)'s force clause. See United States v. Davis, 139 S.Ct. 2319 (2019); United States v. Simms, 914 F.3d 229 (4th Cir. 2019) (*en banc*). However, the Indictment is unavailable through CM-ECF due to the age of the underlying criminal case. The Court has therefore determined that the parties should file a copy of the Indictment in the instant case within **ten (10) days** from entry of this Order.

IT IS THEREFORE ORDERED that the parties shall file the Indictment from case number 3:95-cr-119 within 10 days of this Order.

Signed: May 28, 2020


Max O. Cogburn Jr.
United States District Judge